

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JUAN IBN-DON MUMIT TURNER,

Plaintiff,

v.

STEVEN JOHNSON, *et al.*,

Defendants.

Civil Action No.
3:17-cv-0541 (PGS) (TJB)

**MEMORANDUM
AND ORDER**

SHERIDAN, U.S.D.J.

This matter comes before the Court on a motion filed by Plaintiff Juan Ibn-Don Mumit Turner. The motion seeks relief on two matters. The first is a “motion to be transferred by court order to East Jersey State Prison in Rahway, New Jersey.” The second requests that the Court direct the State of New Jersey to ship his property from Florida, where he was formerly incarcerated, and to return his property to him, including his mini-tablet (ECF No. 61). The State of New Jersey (“the State”) has filed an opposition to Plaintiff’s motion to transfer; but nothing was submitted on the motion to return his property, including his mini-tablet, from Florida.

Prison Transfer

“The Constitution does not . . . guarantee that the convicted prisoner will be placed in any particular prison, if, as is likely, the State has more than one correctional institution.” *Meachum v. Fano*, 427 U.S. 215, 224 (1976). “Although the NJDOC does have policies regarding custodial placements, these policies and the Due Process Clause do not give an inmate a liberty interest in being housed in a particular institution or at a particular custody level.” *Chavarriaga v. N.J. Dept.*

of Corrections, 806 F.3d 210 (3d Cir. 2015). Ordinarily, [T]he federal courts do not sit to supervise State prisons,” especially for transfers requested by inmates. *See, Gibson v. Lynch*, 652 F.2d 348, 354 (3d Cir. 1981). Plaintiff’s motion to transfer is denied.

Return of Property

The second aspect of Plaintiff’s motion involves his request for the return of his personal property including his mini-tablet. This motion was mentioned in the body of Plaintiff’s papers, but it was easy to overlook when the transfer motion was emphasized. As such, the State should have an opportunity to respond. The State shall file a brief within 30 (thirty) days of this Order.

ORDER

This matter, having come before the Court on motion by the Plaintiff to be transferred to East Jersey State Prison and to return documents and a tablet seized from him, for the reasons set forth in this written opinion and for good cause shown;

IT IS on this 16th day of April;

ORDERED that Plaintiff’s motion is granted in part and adjourned in part to allow further briefing; and it is further

ORDERED that Plaintiff’s motion to be transferred to East Jersey State Prison is denied; and it is further

ORDERED that the State shall respond to Plaintiff’s motion that his personal property be returned to him by May 16, 2019; and it is further

ORDERED that Plaintiff may submit a reply to the State’s brief no later than June 15, 2019.



PETER G. SHERIDAN, U.S.D.J.